

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Pascale BRIAND *et al.*)
Continuation of)
Serial No. 09/087,156) Prior Group Art Unit: 1631
Filed: November 12, 2001) Prior Examiner: J. Brusca
For: RECOMBINANT ADENOVIRUSES)
AND USE THEREOF IN GENE)
GENE THERAPY FOR TREATING)
EYE DISEASES)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

PRELIMINARY AMENDMENT

Before examining this application on the merits, kindly enter the following amendment.

In the Claims:

Please cancel claims 1-13 and enter the following claims:

- 14. A method for expressing a gene in at least one eye cell, comprising:
- a) administering to at least one eye cell a defective recombinant adenovirus comprising an inserted gene, wherein the inserted gene comprises at least one sequence permitting its expression in the eye cell;

24. The method of claim 14, there the at least one eye cell is a corneal endothelium cell, photoreceptor cell, bipolar cell, ganglion cell, or oculomotor cell.

25. The method of claim 14, wherein the sequence permitting expression of the gene is a Rous Sarcoma Virus promoter, E1A promoter, or MLP promoter.

26. The method according to claim 21, wherein the at least one region needed to replicate in the eye cell is an E1A or E1B region.--


REMARKS

Upon entry of this Preliminary Amendment, claims 14-26 will be pending in the application. Support for these claims is found throughout the specification, See, for example, pages 5-11.

Applicants do not believe that entry of this Preliminary Amendment requires payment of a fee, or an extension of time. However, please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
Steven P. O'Connor
Reg. No. 41, 225

Dated: November 12, 2001